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THOMAS P O'CONNELL 1026A MASSACHUSETTS AVENUE ARLINGTON, MA 02476			CUNNINGHAM, GREGORY F	
			ART UNIT	PAPER NUMBER
			2628	

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,559

Applicant(s)

BOWSHER ET AL.

Examiner

Greg F. Cunningham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7,9,10,12-16,18-38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7,9,10,12-16,18-38 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications of amendment received 6/16/2006.
2. The disposition of the claims is as follows: claims 2-7, 9, 10, 12-16, 18-38 and 40 are pending in the application. Claims 10, 15, 18, 20, 21, 23, 26 and 40 are independent claims. Claims 1, 8, 11, 17, 39 and 41-68 have been cancelled.

Drawings

3. In view of newly submitted drawings, objections are withdrawn.

Claim Objections

4. In view of amended and cancelled claims, objections are withdrawn.

Claim Rejections - 35 USC § 112

5. In view of amended and cancelled claims, rejection is withdrawn.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 15 and 16 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fenton et al., (US 6,343,264 B1), hereinafter Fenton.

A. Fenton discloses claim 15, “A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

an image procuring device for procuring input images [Fenton: col. 4, lns. 5-18; particularly corresponding for ‘a digital camera of at least the quality of the Kodak DC120’];

a memory device [Fenton: col. 4, lns. 8-18, wherein ‘96MB of RAM, an 8 M video card, at least a 4 GB hard drive’, any or all of which may correspond to “memory device”];

a plurality of reference images retained by the memory device [col. 6, lns. 14-50, wherein computer file library of digital photographs corresponds to “plurality of reference images retained by the memory device”]

a processor [Fenton: col. 4, lns. 8-9]; and

a display device [Fenton: col. 4, lns. 10-12]; and

a means for suggesting one or more reference images based on a user-selected parameter wherein the reference image is automatically coordinated by the processor with the user-selected parameter [Fenton: col. 7, lns. 1-11; wherein list of all the carpet in that color can be generated by using the color’s universal color code used by a customer]

wherein the user-selected parameter comprises a design goal input by a user [Fenton: col. 7, lns. 1-11, wherein carpet color corresponds to the user goal]

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wherein the design goal input by a user includes a desired mood effect [Fenton: col. 7, lns. 45-59, wherein 'customer's home décor' corresponds to "mood effect"]

wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [corresponds to col. 4, lns. 30-59; and col. 7, lns. 22-67, inter alia 'the visualization process with color room environment for presenting and using the color system, to offer a true, focused experience of color'];

whereby a user can predict the appearance of an interior or exterior of a building, home, landscapes, person, or other object or element with accuracy [corresponds to col. 7, lns. 22-44 and col. 8, lns. 1-45, inter alia 'preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]"

B. Fenton discloses claim 16, "The system of claim 15 wherein the design goal input by a user includes desired furniture styles and decorating styles [Fenton: col. 7, lns. 45-59]" supra for claim 15 and [as detailed].

8. Claims 2, 9, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton, further in view of Miner (US 2006/0031486 A1), further in view of Bulman et al., (US 2003/0051255 A1), hereinafter Bulman, and further in view of Minneman et al., (US 6,243,740 B1), hereinafter Minneman.

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A. Fenton discloses claim 10, “A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

an image procuring device for procuring input images [col. 4, lns. 5-18; particularly

corresponding for ‘a digital camera of at least the quality of the Kodak DC120’];

a memory device [col. 4, lns. 8-18, wherein ‘96MB of RAM, an 8 M video card, at least a 4 GB hard drive’, any or all of which may correspond to “memory device”];

a plurality of reference images retained by the memory device [col. 6, lns. 14-50, wherein computer file library of digital photographs corresponds to “plurality of reference images retained by the memory device”]

wherein the reference images include structural elements, auto parts, makeup, body elements, hairstyles, flooring [col. 1, lns. 63-66; col. 2, lns. 35-40, 60-63],

ceiling elements [col. 3, lns. 7-9, wherein ‘white ceiling’ corresponds to “ceiling element”],

wardrobe elements, decorative elements and jewelry elements;

a processor [col. 4, lns. 8-9]; and

a display device [col. 4, lns. 10-12];

wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [corresponds to col. 4, lns. 30-59; and col. 7, lns. 22-67, inter alia ‘the visualization process with color room environment for presenting and using the color system, to offer a true, focused experience of color’];

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whereby a user can predict the appearance of an interior or exterior of a building, home, landscapes, person, or other object or element with accuracy [corresponds to col. 7, lns. 22-44 and col. 8, lns. 1-45, inter alia 'preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]"

In as much as Fenton discloses various libraries for floor, wall, ceiling element, and window coverings, he does not appear to teach this for structural elements, auto parts, makeup, body elements, hairstyles, wardrobe elements, decorative elements and jewelry elements.

However, Miner discloses in [para. 0021-0029, image in various data stores, association of on-line virtual information with physical real objects, enables on-line shopping in-situ based on imaged items, image skin rash and compare with online medical databases, facial recognition of a customer, images of art work, image a car vehicle VIN and take picture of the part of interest, Triage: damages can be taken at an accident site and system can perform search and sorting of patients, suggest course of action, and request authorization for settlement, repair, indemnification, medical care, and so forth – corresponds to "structural elements, auto parts, and body elements (whether human or automotive)"]].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with auto parts, structural elements, and body parts disclosed by Miner, and motivated to combine the teachings because it would provide for a need for a system and method that address the concerns

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with conventional search and marketing strategies, and that significantly increase the users' input choices and improve the search efficiency as revealed in [para. 0015].

However Miner does not appear to disclose reference image for makeup, hairstyles, wardrobe, jewelry elements, decorative elements and ceiling elements.

But Bulman discloses in [para. 0012 – hairstyle; para. 0021 – video image of a head is captured, and a separate hairstyle is overlaid; para. 0025-0026 – customization of images and multimedia presentations, resulting images, remote access and image retrieval of an image, electronic images, head of a human being with its hair (however long) face, ears, etc., ... accessories such as hat, glasses, hair adornments, jewelry (earrings, etc.) and the like; para. 0243 – makeup and/or hairstyles; para. 0300 – characteristic features, such as coloration, location of eyes, ears, nose, hair line ... stored in a file for online service, email; – corresponds to “body elements (human), makeup and hairstyles, decorative elements, and jewelry elements”].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method and auto parts, structural elements and body parts disclosed by Fenton and Miner and coupled with accessories such as hat, glasses, hair adornments, jewelry (earrings, etc.), makeup and/or hairstyles disclosed by Bulman, and motivated to couple the teachings because it would personalized presentations as revealed in [para. 0008].

However, Bulman does not appear to disclose wardrobe elements.

But Minneman discloses in col. 8, lns. 25-44, wherein ‘wardrobe, evening gowns, leather jackets, tank top tee shirts, terry robes, tuxedo jackets’ corresponds to wardrobe.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method and auto parts, structural elements, body parts and personalized presentations disclosed by Fenton, Miner and Bulman in combination with wardrobe disclosed by Minneman, and motivated to combine the teachings because it would allow for displaying of visual images as revealed in col. 1, lns. 55-65.

B. Fenton, Miner, Bulman and Minneman disclose claim 2, "The system of claim 10 wherein the image procuring device comprises a digital camera [Fenton: col. 4, lns. 5-7; 'a digital camera of at least the quality of the Kodak DC120']" supra for claim 10 and [as detailed].

C. Fenton, Miner, Bulman and Minneman disclose claim 9, "The system of claim 10 wherein the reference images include reference colors" supra for claim 10, particularly by [Fenton in col. 7, lns. 12-21 at 'color preferences' and 'key colors'].

D. Fenton, Miner, Bulman and Minneman disclose claim 13, "The system of claim 10 further comprising a means for suggesting one or more reference images based on a user-selected parameter wherein the reference image is automatically coordinated by the processor with the user-selected parameter [Fenton: col. 7, lns. 1-11; wherein list of all the carpet in that color can be generated by using the color's universal color code used by a customer]" supra for claim 10 and [as detailed].

E. Fenton, Miner, Bulman and Minneman disclose claim 14, "The system of claim 13 wherein the user-selected parameter comprises an input image that has been procured by the image procuring device [Fenton: col. 6, lns. 30-50]" supra for claim 13 and [as detailed].

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9. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton, further in view of Miner (US 2006/0031486 A1), further in view of Bulman et al., (US 2003/0051255 A1), hereinafter Bulman, further in view of Minneman et al., (US 6,243,740 B1), hereinafter Minneman, and further in view of Dries et al., (US Patent 5,986,670), hereinafter Dries.

A. Fenton, Miner, Bulman and Minneman disclose claim 3, “The system of claim 2 wherein the image procuring device comprises a still camera [Kodak DC120, which corresponds to a still camera] for providing still images of a color [Fenton: col. 1, ln. 67 – col. 2, ln. 10; ‘color’], room [Fenton: col. 1, ln. 67 – col. 2, ln. 10; ‘room’], building [Bulman: para. 0265; ‘building’], landscape, product [Fenton: col. 1, ln. 67 – col. 2, ln. 10; ‘product inventory’], person [Bulman: para. 0265; ‘of a person or animal, such as the head, eyes, face, hands, limbs, etc.’], or other structure [Bulman: para. 0265; ‘or other type of object’]” supra for claim 2 and [as detailed].

In as much as Fenton, Miner, Bulman and Minneman disclose claim 3, they do not appear to disclose providing for still images of a landscape.

However, Dries does in [col. 3, lns. 20-26 at ‘the image capture device may be a digital camera’ and in col. 4, lns. 38-44 at ‘The home featured in the digital image may be placed in a construction environment or may be placed within a typical yard landscape environment; col. 6, lns. 45-49 at ‘may comprise a landscape’]

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with auto parts, structural elements, and body parts disclosed by Miner, and motivated to combine the teachings because it would provide for a need for a system and method that address the concerns

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with conventional search and marketing strategies, and that significantly increase the users' input choices and improve the search efficiency as revealed in [para. 0015]; and coupled with accessories such as hat, glasses, hair adornments, jewelry (earrings, etc.), makeup and/or hairstyles disclosed by Bulman, and motivated to couple the teachings because it would personalized presentations as revealed in [para. 0008]; and in combination with wardrobe disclosed by Minneman, and motivated to combine the teachings because it would allow for displaying of visual images as revealed in col. 1, lns. 55-65; and further coupled with digital image of landscapes disclosed by Dries and motivated to couple because it would 'provide the system user with access to thousands of images of interior and exterior home products from actual manufacturers, as well as landscaping and horticultural products, in a huge interactive CD-ROM database' as disclosed by dries in col. 2, lns. 36-39.

B. Fenton, Miner, Bulman, Minneman and Dries disclose claim 4, "The system of claim 2 wherein the image procuring device comprises a motion camera [Dries: col. 3, lns. 24-26 at 'The image capture device may be a digital camera, a video camera, a scanner, or the like'] for providing moving images of a color, room, building, landscape, product, person, or other element or structure" supra for claim 2 and [as detailed].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with auto parts, structural elements, and body parts disclosed by Miner, and motivated to combine the teachings because it would provide for a need for a system and method that address the concerns with conventional search and marketing strategies, and that significantly increase the users' input choices and improve the search efficiency as revealed in [para. 0015]; and coupled with

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accessories such as hat, glasses, hair adornments, jewelry (earrings, etc.), makeup and/or hairstyles disclosed by Bulman, and motivated to couple the teachings because it would personalized presentations as revealed in [para. 0008]; and in combination with wardrobe disclosed by Minneman, and motivated to combine the teachings because it would allow for displaying of visual images as revealed in col. 1, lns. 55-65; and further coupled with digital image of landscapes and use of a video camera or digital camera disclosed by Dries and motivated to couple because it would 'provide the system user with access to thousands of images of interior and exterior home products from actual manufacturers, as well as landscaping and horticultural products, in a huge interactive CD-ROM database' as disclosed by dries in col. 2, lns. 36-39.

10. Claims 18, 19 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton, and further in view of Dries et al., (US Patent 5,986,670), hereinafter Dries.

A. Fenton and Dries disclose claim 18, "A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

an image procuring device for procuring input images [col. 4, lns. 5-18; particularly corresponding for 'a digital camera of at least the quality of the Kodak DC120'];

a memory device [col. 4, lns. 8-18, wherein '96MB of RAM, an 8 M video card, at least a 4 GB hard drive', any or all of which may correspond to "memory device"];

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a processor [col. 4, lns. 8-9]; and

a display device [col. 4, lns. 10-12]; and

a means for displaying displayed elements and objects in a unified size scale on the display device;

wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [corresponds to col. 4, lns. 30-59; and col. 7, lns. 22-67, inter alia 'the visualization process with color room environment for presenting and using the color system, to offer a true, focused experience of color'];

whereby a user can predict the appearance of an interior or exterior of a building, home, landscapes, person, or other object or element with accuracy [corresponds to col. 7, lns. 22-44 and col. 8, lns. 1-45, inter alia 'preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]"

However Fenton does not appear to disclose "a means for displaying displayed elements and objects in a unified size scale on the display device", but Dries does in [col. 2, lns. 25-27 and 53-56, wherein 'arrange, rotate, position, resize, orient and otherwise manipulate the product image objects ... to create a realistic composite image" corresponds to " unified size scale on the display device"]].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with

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scale size disclosed by Dries, and motivated to combine the teachings because it would provide permit the system user to resize a selected image object so that it will fit exactly into a selected rectangular area, or alternatively, so that it will fit proportionally into a selected rectangular area and such a feature permits the system user to resize the rectangular image or an irregular shaped image' as disclosed by Dries in col. 3, lns. 5-10.

B. Fenton and Dries disclose claim 19, "The system of claim 18 wherein the means for displaying displayed elements and objects in a unified scale automatically adapts the input images and the reference images to a unified, substantially identical scale [Fenton: col. 7, lns. 1-11; 'by adding fields for the universal color code (such as RGB measurement), color family code, and the texture code in a product information database, a "digital bridge" or cross-reference is created between the product information database and the whole computer graphics program']" supra for claim 18 and [as detailed].

C. Fenton and Dries disclose claim 23, "A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

an image procuring device for procuring input images [col. 4, lns. 5-18; particularly corresponding for 'a digital camera of at least the quality of the Kodak DC120'];

wherein the image procuring device comprises a motion camera [Dries: col. 3, lns. 24-26 at 'The image capture device may be a digital camera, a video camera, a scanner, or the like'] for providing moving images of a color, room, building, landscape, product, person, or other element or structure"

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a memory device [col. 4, lns. 8-18, wherein '96MB of RAM, an 8 M video card, at least a 4 GB hard drive', any or all of which may correspond to "memory device"];

a processor [col. 4, lns. 8-9]; and

a display device [col. 4, lns. 10-12];

a means for enabling a selective manipulation of the location and orientation of the procured input images on the display device;

wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [corresponds to col. 4, lns. 30-59; and col. 7, lns. 22-67, inter alia 'the visualization process with color room environment for presenting and using the color system, to offer a true, focused experience of color'];

whereby a user can predict the appearance of an interior or exterior of a building, home, landscapes, person, or other object or element with accuracy [corresponds to col. 7, lns. 22-44 and col. 8, lns. 1-45, inter alia 'preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]"

However Fenton does not appear to disclose "a means for enabling a selective manipulation of the location and orientation of the procured input images on the display device", but Dries does in [col. 2, lns. 25-27 and 53-56, wherein 'arrange, rotate, position, resize, orient and otherwise manipulate the product image objects ... to create a realistic composite image"

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corresponds to " means for enabling a selective manipulation of the location and orientation of the procured input images on the display device"].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with scale size disclosed by Dries, and motivated to combine the teachings because it would provide permit the system user to resize a selected image object so that it will fit exactly into a selected rectangular area, or alternatively, so that it will fit proportionally into a selected rectangular area and such a feature permits the system user to resize the rectangular image or an irregular shaped image' as disclosed by Dries in col. 3, lns. 5-10.

D. Per dependent claim 24, this is directed to a system for the system of independent claims 18 and 23, and therefore is rejected to independent claims 18 and 23.

E. Per dependent claim 25, this is directed to a system for the system of dependent claim 24, and therefore is rejected to dependent claim 24; whereby [Dries: col. 2, lns. 25-27 and 53-56, wherein 'arrange, rotate, position, resize, orient and otherwise manipulate the product image objects ... to create a realistic composite image" corresponds to " unified, substantially identical scale".

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton, and further in view of Miner (US 2006/0031486 A1).

A. Fenton and Miner disclose claim 20, "A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and

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enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

an image procuring device for procuring input images [Fenton: col. 4, lns. 5-18; particularly corresponding for ‘a digital camera of at least the quality of the Kodak DC120’];

a memory device [Fenton: col. 4, lns. 8-18, wherein ‘96MB of RAM, an 8 M video card, at least a 4 GB hard drive’, any or all of which may correspond to “memory device”];

a plurality of reference images retained by the memory device [col. 6, lns. 14-50, wherein computer file library of digital photographs corresponds to “plurality of reference images retained by the memory device”]

a processor [Fenton: col. 4, lns. 8-9]; and

a display device [Fenton: col. 4, lns. 10-12]; and

a means for providing a cost estimation as to the cost of a potential alteration, redecoration, addition, or construction of or to a given element or object [Fenton: col. 7, lns. 12-21, wherein ‘Voids in key color ranges (caused by vendor drops or style changes) can be immediately detected and addressed, so that best-selling colors will be available in every needed price’ corresponds to “cost estimation regarding a potential alteration, addition, or construction of or to a given element or object”]

wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [corresponds to col. 4, lns. 30-59; and col. 7, lns. 22-67, inter alia ‘the visualization process with color room environment for presenting and using the color system, to offer a true, focused experience of color’];

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whereby a user can predict the appearance of an interior or exterior of a building, home, landscapes, person, or other object or element with accuracy [corresponds to col. 7, lns. 22-44 and col. 8, lns. 1-45, inter alia 'preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]"

In as much as Fenton discloses "a means for providing a cost estimation as to the cost of a potential alteration, redecoration, addition, or construction of or to a given element or object", Miner teaches in para. 0021-0029, whereby 'indemnification' corresponds to compensation for "cost estimation as to the cost of a potential alteration".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method disclosed by Fenton in combination with indemnification disclosed by Miner, and motivated to combine the teachings because it would provide for a need for a system and method that address the concerns with conventional search and marketing strategies, and that significantly increase the users' input choices and improve the search efficiency as revealed in [para. 0015].

12. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton and further in view of Elliott (US 6,446,053 B1).

A. Fenton and Elliott disclose claim 21, "A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and

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enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

an image procuring device for procuring input images [Fenton: col. 4, lns. 5-18; particularly corresponding for 'a digital camera of at least the quality of the Kodak DC120'];

a memory device [Fenton: col. 4, lns. 8-18, wherein '96MB of RAM, an 8 M video card, at least a 4 GB hard drive', any or all of which may correspond to "memory device"];

a plurality of reference images retained by the memory device [col. 6, lns. 14-50, wherein computer file library of digital photographs corresponds to "plurality of reference images retained by the memory device"]

a processor [Fenton: col. 4, lns. 8-9]; and

a display device [Fenton: col. 4, lns. 10-12]; and

a means for providing a time estimation as to the time required for a potential alteration, redecoration, addition, or construction of or to a given element or object;

wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [corresponds to col. 4, lns. 30-59; and col. 7, lns. 22-67, inter alia 'the visualization process with color room environment for presenting and using the color system, to offer a true, focused experience of color'];

whereby a user can predict the appearance of an interior or exterior of a building, home,

landscapes, person, or other object or element with accuracy [corresponds to col. 7, lns. 22-44

and col. 8, lns. 1-45, inter alia 'preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show

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the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]”

However, Fenton does not appear to disclose “a means for providing a time estimation as to the time required for a potential alteration, redecoration, addition, or construction of or to a given element or object”, but Elliott does in col. 5, lns. 1-5, wherein ‘time factors to calculate time estimates for various construction steps’ correspond to “a means for providing a time estimation as to the time required for a potential alteration, redecoration, addition, or construction of or to a given element or object”.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method and auto parts, structural elements, body parts and personalized presentations disclosed by Fenton in combination with time estimates disclosed by Elliott, and motivated to combine the teachings because it would allow for computer-implemented method and system for producing a proposal for a construction project for ‘an individual considering a major construction project such as building his dream house or remodeling his existing home needs to forecast important details of the project’ as detailed by Elliott in col. 1, lns. 6-8.

B. Fenton and Elliott disclose claim 22, “The system of claim 21 further comprising a means for providing a cost estimation as to the cost of a potential alternation, redecoration, addition, or construction of or to a given element or object” supra for claims 20 and 21.

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13. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton, Miner, Bulman, Minneman and Dries as applied to claim 4 above, and further in view of Duluk, Jr. (US 5,977,987), hereinafter Duluk.

A. Fenton, Miner, Bulman, Minneman and Dries disclose claim 5, “The system of claim 4 wherein the motion camera comprises a means for providing moving images in three-dimensions” supra for claim 4.

However, Fenton, Miner, Bulman, Minneman and Dries do not appear to disclose “wherein the motion camera comprises a means for providing moving images in three-dimensions”, but Duluk does [in col. 1, lns. 35-58; wherein contents of ‘frame buffer’ constitute “moving images”].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Fenton, Miner, Bulman, Minneman and Dries in combination with 3D computer graphics disclosed by Duluk, and motivated to combine the teachings because it would allow ‘a user to change his viewpoint or change the geometry in real-time, thereby requiring the rendering system to create new images on-the-fly in real-time’ as revealed by Duluk in col. 1, lns. 29-34.

B. Fenton, Miner, Bulman, Minneman and Dries disclose claim 6, “The system of claim 5 further comprising a means for providing moving images in virtual reality” supra for claim 5.

However, Fenton, Miner, Bulman, Minneman and Dries do not appear to disclose “further comprising a means for providing moving images in virtual reality”, but Duluk does [in col. 7, ln. 60 – col. 8, ln. 2; wherein ‘virtual reality image generators’ constitute “moving images in virtual reality”].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Fenton, Miner, Bulman, Minneman and Dries in combination with 3D computer graphics and virtual reality disclosed by Duluk, and motivated to combine the teachings because it would allow ‘a user to change his viewpoint or change the geometry in real-time, thereby requiring the rendering system to create new images on-the-fly in real-time’ as revealed by Duluk in col. 1, lns. 29-34.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton, Miner, Bulman, Minneman as applied to claim 10 above, and further in view of Yamamoto et al., (US 5,021,705), hereinafter Yamamoto.

A. Fenton, Miner, Bulman, Minneman disclose claim 7, “The system of claim 10 wherein the display device comprises an ultra-high definition display screen” supra for claim 10.

However, Fenton, Miner, Bulman, Minneman do not appear to disclose, “wherein the display device comprises an ultra-high definition display screen”, but Yamamoto does [in col. 13, lns. 18-26; wherein ‘ultra-high sensitive High-Definition TV image’ constitute “ultra-high Definition display screen”].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Fenton, Miner, Bulman, Minneman in combination with ultra-high sensitive High-Definition disclosed by Yamamoto, and motivated to combine the teachings because it would allow ‘to produce a satisfactory image quality stably without deterioration of the characteristics including the lag even when the target voltage is increased’ as revealed by Yamamoto in col. 3, ln. 67 – col. 4, ln. 2.

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15. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton, Miner, Bulman, Minneman as applied to claim 10 above, and further in view of Official notice.

A. Fenton, Miner, Bulman, Minneman and Dries disclose claim 12, “The system of claim 10 wherein the decorative elements include furniture [Fenton: col. 7, lns. 35-39, and 50], shrubbery [Dries: col. 23, lns. 35-42], wallpaper, rugs, curtains, blinds, window shades, and trim” supra for claim 10 and [as detailed].

Although Fenton, Miner, Bulman, Minneman and Dries do not appear to disclose “wallpaper, rugs, curtains, blinds, window shades, and trim”, Official notice is taken that the art is replete with digital images of “wallpaper, rugs, curtains, blinds, window shades, and trim”.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Fenton, Miner, Bulman, Minneman in combination with “wallpaper, rugs, curtains, blinds, window shades, and trim” disclosed by Official notice, and motivated to combine the teachings because it is common to photograph and store digital images of such items.

16. Claims 26-28 and 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al., (US 6,343,264 B1), hereinafter Fenton and further in view of Branham et al., (Patent 5,687,737), hereinafter Branham.

A. Fenton discloses claim 26, “A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

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an image procuring device for procuring input images [Fenton: col. 4, lns. 5-18; particularly corresponding for 'a digital camera of at least the quality of the Kodak DC120'];

a memory device [Fenton: col. 4, lns. 8-18, wherein '96MB of RAM, an 8 M video card, at least a 4 GB hard drive', any or all of which may correspond to "memory device"];

a processor [Fenton: col. 4, lns. 8-9]; and

a display device [Fenton: col. 4, lns. 10-12]; and

a means for providing a display of simulated light sources on the display device to bathe the displayed image in a source of light;

wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [corresponds to col. 4, lns. 30-59; and col. 7, lns. 22-67, inter alia 'the visualization process with color room environment for presenting and using the color system, to offer a true, focused experience of color'];

whereby a user can predict the appearance of an interior or exterior of a building, home, landscapes, person, or other object or element with accuracy [corresponds to col. 7, lns. 22-44 and col. 8, lns. 1-45, inter alia 'preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]"

However, Fenton does not appear to disclose "a means for providing a display of simulated light sources on the display device to bathe the displayed image in a source of light", but Branham does in col. 7, lns. 33-41 at 'To enhance the three-dimensional appearance of the

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display, direct and ambient virtual light sources can be defined, and the brightness of each facet will vary depending on the angle between the facet and the direct light source.”

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply color selection method and auto parts, structural elements, body parts and personalized presentations disclosed by Fenton in combination with virtual light sources disclosed by Branham, and motivated to combine the teachings because it would allow for such images that can also be provided with shading using virtual light sources (both direct and ambient, simultaneously) to give the depiction a realistic and easily-interpreted image as revealed by Branham in col. 5, lns. 35-53.

B. Fenton and Branham disclose claim 27, “The system of claim 26 wherein the means for providing simulated light sources comprises a means for controlling a type of light source to be simulated on the display device [Fenton: col. 7, lns. 33-39, incandescent fixtures, a skylight and/or full-spectrum fluorescent lights]” supra for claim 26 and [as detailed].

C. Fenton and Branham disclose claim 28, “The system of claim 27 wherein the means for providing simulated light sources enables a user to select from light source types from the group consisting of incandescent light, fluorescent light, full spectrum light, and natural sunlight [Fenton: col. 7, lns. 33-39, incandescent fixtures, a skylight and/or full-spectrum fluorescent lights; col. 3, lns. 16-20, ‘bright indirect daylight’]” supra for claim 27 and [as detailed].

D. Fenton and Branham disclose claim 31, “The system of claim 26 wherein the means for providing simulated light sources comprises a means for controlling a location and orientation of the light source to be simulated on the display device [Fenton: col. 10, lns. 13-18, wherein ‘classification, selection and visualization of other floor, window, and wall coverings and all

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other products that come in various colors' inherently implies location and placement of windows and light fixtures disclosed supra and therefore corresponds to "means for controlling a location and orientation of the light source"]" supra for claim 26 and [as detailed].

E. Per dependent claims 32-35, these are directed to a system for the system of dependent claims 27-30, and therefore are rejected to dependent claims 27-30.

F. Fenton and Branham disclose claims 36 and 37 supra for claim 26, wherein 'incandescent fixtures' correspond to "a light fixture" and "a shielded structure" of Fenton.

G. Fenton and Branham disclose claim 38, "The system of claim 26 further comprising a portable memory medium for enabling a user to retain and transport procured input images and reference images [Fenton: col. 4, lns. 13-14, wherein 'an equivalent IBM or compatible personal computer' inherently comprises a floppy disk drive, CD drive, and/or diskette drive which corresponds to "portable memory medium for enabling a user to retain and transport procured input images and reference images"]" supra for claim 26 and [as detailed].

17. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton and Branham as applied to claim 28 above, and further in view of Roustaei, (US 2002/0050518 A1), hereinafter Roustaei.

A. Fenton, Minneman and Branham disclose claims 29 and 30, "The system of claim 28 wherein the means for providing simulated light sources further enables a user to select a mixed light display situation" and "The system of claim 29 wherein the means for providing simulated light sources further enables a user to adjust the relative intensity of displayed light sources" supra for claim 28.

However, Fenton and Branham do not appear to disclose “wherein the means for providing simulated light sources further enables a user to select a mixed light display situation” and “The system of claim 29 wherein the means for providing simulated light sources further enables a user to adjust the relative intensity of displayed light sources”, but Roustaei does [in para. 0248, see ‘Color modification can also adjust to variable-lightning conditions; daylight, incandescent illumination, and fluorescent illumination all have different spectral frequency patterns. Processing can also increase the saturation, or intensity, of portions of the color spectrum, modifying the strictly accurate reproduction of a scene to match what humans “like” to see.’ and ‘Similar approach is currently used during the setup, in industrial applications, in which, the imager 100 will not use the first few frames (because during that time the imager 100 calibrates itself for the best possible results depending on user's settings), after the trigger is activated (or simulated).].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Fenton, and Branham in combination with Color modification can also adjust to variable-lightning conditions and simulations disclosed by Roustaei, and motivated to combine the teachings because it would allow ‘These and other parameters can be controlled by selection of, and adjustments to, the optical system's components, including the lens system, the wavelength of illuminating light, the optical and electronic filtering, and the detector sensitivity’ as revealed by Roustaei in para. [0008].

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18. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton, further in view of Saghir, (US 6,574,616 B1), and further in view of d'Entremont et al., (US 4,536,848), hereinafter d'Entremont.

A. Fenton discloses claim 40, “A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

an image procuring device for procuring input images [Fenton: col. 4, lns. 5-18; particularly corresponding for ‘a digital camera of at least the quality of the Kodak DC120’];

a memory device [Fenton: col. 4, lns. 8-18, wherein ‘96MB of RAM, an 8 M video card, at least a 4 GB hard drive’, any or all of which may correspond to “memory device”];

a processor [Fenton: col. 4, lns. 8-9]; and

a display device [Fenton: col. 4, lns. 10-12];

a means for sequentially displaying a plurality of display images and for allowing a user to select preferred display images from the plurality of display images for continued or repeated display wherein the means for sequentially displaying a plurality of display images displays each display image for a predetermined amount of display time through a first display round and then for progressively increased amounts of display time through succeeding rounds;

wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [corresponds to Fenton: col. 4, lns. 30-59; and col. 7, lns. 22-67, inter alia ‘the visualization process with color room

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environment for presenting and using the color system, to offer a true, focused experience of color'];

whereby a user can predict the appearance of an interior or exterior of a building, home, landscapes, person, or other object or element with accuracy [corresponds to Fenton: col. 7, lns. 22-44 and col. 8, lns. 1-45, inter alia 'preview of different color options, any of the thousands of carpets in the corporate inventory can be accurately represented on the computer screen, easy to show the customer that she or he cannot make a color mistake when choosing a carpet from the right color family, true preview]"

However, Fenton does not appear to disclose "a means for sequentially displaying a plurality of display images and for allowing a user to select preferred display images from the plurality of display images for continued or repeated display", but Saghir does in col. 7, lns. 26-47, wherein 'displays random sample images from a collection. The user chooses one or more images from this sample that contain desirable attributes' and 'the process repeats' corresponds to "means for sequentially displaying a plurality of display images and for allowing a user to select preferred display images from the plurality of display images for continued or repeated display".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Fenton in combination with display random sample, user select, and repeat disclosed by Saghir, and motivated to combine the teachings because it 'is efficient and allows users to quickly find desired images, which is accurate in returning images likely to be desirable to the user, which does not require the user to verbalize desirable image attributes, which does not require the user to preconceive a mental

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image of what is desired before the search, which does not require the user to enter a search query, and which is adaptable in that the system readily and automatically adjusts search criteria during the search to reflect a user's desires.' as revealed by Saghir in col. 3, lns. 1-11.

However, Fenton and Saghir do not appear to disclose "wherein the means for sequentially displaying a plurality of display images displays each display image for a predetermined amount of display time through a first display round and then for progressively increased amounts of display time through succeeding rounds", but d'Entremont does in col. 10, lns. 10-34, wherein 'groups into either progressive increasing or decreasing time sequence' corresponds to "means for sequentially displaying a plurality of display images displays each display image for a predetermined amount of display time through a first display round and then for progressively increased amounts of display time through succeeding rounds".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Fenton in combination with display random sample, user select, and repeat disclosed by Saghir and coupled with 'groups into either progressive increasing or decreasing time sequence' as disclosed by d'Entremont, and motivated to combine the teachings because it 'is efficient and allows users to quickly find desired images, which is accurate in returning images likely to be desirable to the user, which does not require the user to verbalize desirable image attributes, which does not require the user to preconceive a mental image of what is desired before the search, which does not require the user to enter a search query, and which is adaptable in that the system readily and automatically adjusts search criteria during the search to reflect a user's desires.' as revealed by Saghir in col. 3, lns. 1-11, and since 'it is a primary object of this invention to provide a method and apparatus utilizing a small

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computer and a limited computer memory for developing computer graphic color images on a photosensitive material' as revealed by d'Entremont in col. 1, lns. 33-37.

Citation of Pertinent Prior Art

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>U. S. Patent No.</u>	<u>Issued</u>	<u>Class/Sub</u>	<u>Applicant(s)</u>
5,488,700 A	1/30/1996	345/395	Glassner
4,737,921 A	4/12/1988	345/419	Goldwasser; Samuel M. et al.
6,654,493 B1	11/25/2003	382/167	Hilliard; William J. et al.

Response to Arguments

20. Applicant's arguments with respect to claims 2-7, 9, 10, 12-16, 18-38 and 40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Responses

22. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Inquiries

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-7784.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The Central FAX Number for the organization where this application or proceeding is assigned is **571-273-8300**.

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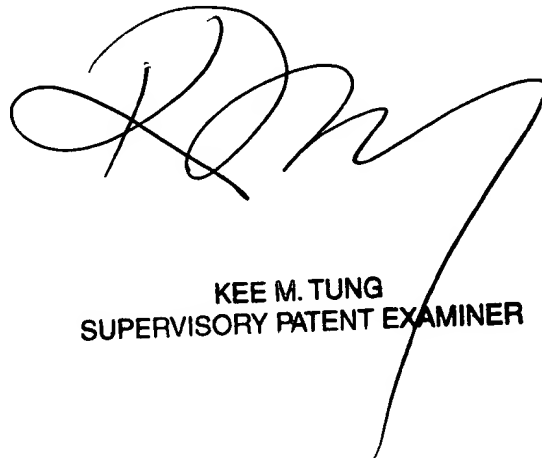
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory F. Cunningham
Examiner
Art Unit 2628

gfc

9/8/2006



KEE M. TUNG
SUPERVISORY PATENT EXAMINER